

# Avoiding a cracker of a hangover from the company Christmas party

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**As the clock ticks down to Christmas party time, companies need to avoid the event becoming the wrong sort of cracker.**

Any company-organised office party, whether in or out of working hours and on or off-site, is an extension of the workplace which can test a business across the board on its policies and attitudes.

Employment partner, Karen Cole, explains:

*"It's a real stress-test for the culture of the business and its employment policies. Each year we see another significant case reaching the courts arising from an incident at a work party. Often the focus is on creating a morale-boosting and team-building event, and that's important, but staff need to know the boundaries and what is acceptable behaviour if companies are to safeguard against a difficult morning after."*

One big headache for employers is the risk of being held vicariously liable for the misconduct of their employees at such events. In the latest case, [Shelbourne v Cancer Research UK](#), an employee suffered serious back injuries after an over-excited colleague lifted her up at a work party, lost his balance and dropped her to the floor. She claimed negligence on the part of her employers, pointing to the presence of alcohol and its impact on behaviour.

While in that case, the company was able to demonstrate that rigorous risk assessments had been undertaken, and the court ruled there was insufficient connection between her colleague's work role and their actions at the party, such cases are complex and the outcome can be very different.

In the case of [Bellman v Northampton Recruitment Ltd](#), an employee was left with long term brain injuries when the managing director hit him after a fight broke out.

Despite the assault happening at an unplanned 'after-party', the company was found liable for the assault when the case reached the Court of Appeal, with the judge ruling that the senior nature of the role of managing director created a position of authority that was held around the clock.

Karen added

*"To protect staff, it's important that companies take the necessary steps to assess and guard against potential risks, including setting out expected standards of behaviour, limiting the amount of alcohol and having a clear boundary for when the event will close."*

*Aggression and sexual harassment are the most common forms of misconduct at such events, something no organisation wants to see happening at what is supposed to be a festive celebration, and either of which can lead to substantial claims for compensation, with the associated damage to a company's reputation."*

## **Christmas Party checklist:**

1. Set out the company's attitudes to alcohol consumption at the party – it's particularly important to set clear boundaries as there is generally a zero-tolerance policy towards alcohol in the workplace and this is an extension of the workplace.
2. Make sure non-alcoholic drinks are available if alcohol is being served, for those who may not want to drink on the night for whatever reason.
3. Manage overall alcohol consumption so employees don't lose their usual workplace inhibitions. Remind everyone that actions or comments that would be unacceptable behaviour in the workplace still hold in the relaxed atmosphere of the party.

4. Be clear about when the event will close and make everyone aware at the appropriate time that the party is over.
5. Be alert for health and safety risks the morning after, if it's a working day, particularly where machinery or driving is involved, in case anyone is still under the influence of alcohol.
6. If anything happens, act promptly to investigate and make sure grievance or disciplinary policies are followed.

For any employment issue, contact [Karen Cole](#) today.

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